Received By: csundber

### 2007 DRAFTING REQUEST

### **Assembly Substitute Amendment (ASA-SB69)**

Received: 11/15/2007

Wanted: As time permits  For: Donald Friske (608) 266-7694  This file may be shown to any legislator: NO  May Contact:  Subject: Trade Regulation - other					Identical to LRB:				
					By/Representing: Tim Gary				
					Drafter: csundber				
					Addl. Drafters: Extra Copies:				
Submit	via email: <b>YES</b>	}							
Request	er's email:	Rep.Frisk	e@legis.wis	sconsin.gov					
			her.sundberg@legis.wisconsin.gov hton@legis.wisconsin.gov						
Pre To No spec Topic:	pic: ific pre topic gi	iven							
	cope to income	tax preparation	, exempt CP	As and attorn	eys				
Instruc See Atta									
Draftin	g History:								
Vers.	Drafted	Reviewed	. Typed	Proofed	Submitted	<u>Jacketed</u>	Required		
?	csundber 11/15/2007	wjackson 11/15/2007							
1	csundber 01/08/2008	wjackson 01/08/2008	nnatzke 11/15/200	07	lparisi 11/15/2007	lparisi 11/15/2007			
2			jfrantze 01/08/200	08	sbasford 01/08/2008	sbasford 01/08/2008			

**LRBs0177** 01/08/2008 01:24:37 PM Page 2

FE Sent For:

<END>

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For: Do	onald Friske (6	08) 266-7694			By/Representing: Tim Gary				
This file may be shown to any legislator: <b>NO</b> May Contact:					Drafter: <b>csundber</b> Addl. Drafters:				
Subject	: Trade l	Regulation - o	ther		Extra Copies:				
Submit	via email: <b>YES</b>								
Request	ter's email:	Rep.Frisk	e@legis.wis	sconsin.gov					
Carbon copy (CC:) to: christopher.sundberg@legkyle.leighton@legis.wiscon					nsin.gov				
Pre To	pic:								
No spec	cific pre topic gi	ven							
Topic:			·····						
Limit so	cope to income	tax preparation	ı, exempt CF	PAs and attorn	eys				
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See Atta	ached								
Draftin	g History:								
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required		
/?	csundber 11/15/2007	wjackson 11/15/2007							
/1		/2 WLj 1/8	nnatzke 11/15/20	07	lparisi 11/15/2007	lparisi 11/15/2007			
FE Sent	For:		A	ALX					

<END>

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Wanted: **As time permits** Identical to LRB:

For: **Donald Friske (608) 266-7694** By/Representing: **Tim Gary** 

This file may be shown to any legislator: **NO**Drafter: **csundber** 

May Contact: Addl. Drafters:

Subject: Trade Regulation - other Extra Copies:

Submit via email: YES

Requester's email: Rep.Friske@legis.wisconsin.gov

Carbon copy (CC:) to: christopher.sundberg@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Limit scope to income tax preparation, exempt CPAs and attorneys

Instructions:

See Attached

**Drafting History:** 

<u>Vers.</u> <u>Drafted</u> <u>Reviewed</u> <u>Typed</u> <u>Proofed</u> <u>Submitted</u> <u>Jacketed</u> <u>Required</u>

/? csundber / WLJ 11/15  $\frac{NWn}{11/15}$   $\frac{NWn}{11/15}$ 

FE Sent For:

<END>

11/16/07 Tim/Frishe host stripes For LRBs 0160 - redraft and incorporate LRBa 0891.

#### **2007 - 2008 LEGISLATURE**

# ASSEMBLY AMENDMENT, TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0160/1), TO 2007 SENATE BILL 69

1 At the locations indicated, amend the substitute amendment as follows:

1. Page 1, line 9: delete lines 9 and 10 and substitute "does not include a person who holds a certified public accountant license granted by the accounting examining

board under s. 442.08 or a person who holds a license to practice law in this state.".

5 (END)

In: 11/13/07 Wanted: Today, if possible

#### **2007 - 2008 LEGISLATURE**

LRBs0160/1 CTS:wlj:jf

# ASSEMBLY SUBSTITUTE AMENDMENT, TO 2007 SENATE BILL 69

AN ACT *to create* 100.55 of the statutes; **relating to:** information obtained by a tax preparer in the course of preparing a client's tax return and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**Section 1.** 100.55 of the statutes is created to read:

**100.55** Tax preparers; privacy of client information. (1) In this section:

- (a) "Client" means a person whose tax return is prepared by a tax preparer.
- (b) "Tax preparer" means a person who, in exchange for compensation or expectation of compensation, prepares an income tax return of another person, but does not include a person who holds a license granted by the accounting examining

board under s. 442.08

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accountant public

or a person who holds a license to practice law in this state

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(2) A tax preparer or entity that employs tax preparers may not disclose to 1 2 another person information obtained in the course of preparing a client's tax return, 3 unless all of the following apply: (a) The tax preparer or entity provides to the client a separate document that 4 5 identifies all of the following: 1. The persons to whom the tax preparer or entity intends to disclose the 6 7 information. 8 2. The specific information that the tax preparer or entity intends to disclose. 9 3. The purpose of the disclosure. (b) The document provided under par. (a) informs the client that the client may 10 11 at any time revoke consent to the disclosure of information obtained in the course of preparing the client's tax return for a tax year by giving notice to the tax preparer 12 13 or entity that prepared the client's tax return for the tax year. (c) The client signs the document provided by the tax preparer or entity under 14 par. (a). 15 16 (d) Within 30 days after the date on which the tax preparer or entity completes work on the client's tax return or the date on which the client signs the document 17 provided by the tax preparer or entity under par. (a), whichever occurs first, the tax 18 19 preparer or entity provides to the client a copy of the document signed by the client. 20 **(3)** Subsection (2) does not apply to the disclosure of information to a federal, 21 state, or local government entity that is authorized to collect a tax. (4) A document provided by a tax preparer or entity under sub. (2) (a) shall 22 23 remain valid for one year from the date on which it is signed by a client or until the

client revokes consent to the disclosure of information obtained in the course of

preparing the client's tax return, whichever occurs first.

1	(5) A tax preparer or entity shall retain a copy of the document provided to a				
2	client under sub. (2) (a) for as long as the tax preparer or entity retains the client's				
3	tax records for the tax year for which the client has consented to disclosure under sub.				
4	(2)				
5	(6) (a) Any person suffering pecuniary loss because of a violation of this section				
6	may commence an action to recover the pecuniary loss. If the person prevails, the				
7	person shall recover twice the amount of the pecuniary loss, or \$200 for each				
8	violation, whichever is greater, together with costs, including reasonable attorney				
9	fees, notwithstanding s. 814.04 (1).				
10	(b) The department may commence an action in the name of the state to				
11	restrain by temporary or permanent injunction a violation of this section. Before				
12	entry of final judgment, the court may make any necessary orders to restore to a				
13	person any pecuniary loss suffered by the person because of the violation.				
14	(c) The department or a district attorney may commence an action in the name				
15	of the state to recover a forfeiture to the state of not less than \$100 nor more than				
16	\$10,000 for each violation of this section.				

(END)

#### Sundberg, Christopher

From:

Gary, Tim

Sent:

Tuesday, January 08, 2008 11:03 AM

To:

Sundberg, Christopher

Cc:

Leighton, Kyle

Importance:

High

Chris,

I am sending back the stripes on S0177/1 for redrafting.

Please add the following language:

(b) "Tax preparer" means a person who, in exchange for compensation or expectation of compensation, prepares an income tax return of another person, but does not include:

1. a person who holds a certified public accountant license granted by the accounting examining board under s.442.08;

2. a person who holds a license to practice law in this state; or

3. a person employed by a corporate trustee or trust company authorized to provide fiduciary services under Chapter 223.

Thank you, Tim Gary Research Assistant to Representative Donald R Friske



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State of Misconsin 2007 - 2008 LEGISLATURE

LRBs01774 RMMR
CTS:wlj:nwn
Stays

# ASSEMBLY SUBSTITUTE AMENDMENT, TO 2007 SENATE BILL 69

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2030 A person employed by a corporate trustee or trust 1 company authorized to provide Fiduciary services under cho 2230

- (2) A tax preparer or entity that employs tax preparers may not disclose to another person information obtained in the course of preparing a client's tax return, unless all of the following apply:
  (a) The tax preparer or entity provides to the client a separate document that identifies all of the following:
  1. The persons to whom the tax preparer or entity intends to disclose the
  - information.
    - 2. The specific information that the tax preparer or entity intends to disclose.
    - 3. The purpose of the disclosure.
  - (b) The document provided under par. (a) informs the client that the client may at any time revoke consent to the disclosure of information obtained in the course of preparing the client's tax return for a tax year by giving notice to the tax preparer or entity that prepared the client's tax return for the tax year.
  - (c) The client signs the document provided by the tax preparer or entity under par. (a).
  - (d) Within 30 days after the date on which the tax preparer or entity completes work on the client's tax return or the date on which the client signs the document provided by the tax preparer or entity under par. (a), whichever occurs first, the tax preparer or entity provides to the client a copy of the document signed by the client.
  - (3) Subsection (2) does not apply to the disclosure of information to a federal, state, or local government entity that is authorized to collect a tax.
  - (4) A document provided by a tax preparer or entity under sub. (2) (a) shall remain valid for one year from the date on which it is signed by a client or until the client revokes consent to the disclosure of information obtained in the course of preparing the client's tax return, whichever occurs first.

(5) A tax preparer or entity shall retain a copy of the document provided to a
client under sub. (2) (a) for as long as the tax preparer or entity retains the client's
tax records for the tax year for which the client has consented to disclosure under sub.
(2).
(6) (a) Any person suffering pecuniary loss because of a violation of this section

- (6) (a) Any person suffering pecuniary loss because of a violation of this section may commence an action to recover the pecuniary loss. If the person prevails, the person shall recover twice the amount of the pecuniary loss, or \$200 for each violation, whichever is greater, together with costs, including reasonable attorney fees, notwithstanding s. 814.04 (1).
- (b) The department may commence an action in the name of the state to restrain by temporary or permanent injunction a violation of this section. Before entry of final judgment, the court may make any necessary orders to restore to a person any pecuniary loss suffered by the person because of the violation.
- (c) The department or a district attorney may commence an action in the name of the state to recover a forfeiture to the state of not less than \$100 nor more than \$10,000 for each violation of this section.

(END)